

DOCKET NO.: 275794US



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

GROUP: 2677

Koji KUNII, et al.

SERIAL NO: 10/086,022

EXAMINER: A. I. Abdulsalam

FILED: February 27, 2002

FOR: PORTABLE INFORMATION TERMINAL APPARATUS, INFORMATION  
PROCESSING METHOD, COMPUTER-PROGRAM STORAGE MEDIUM,  
AND COMPUTER-PROGRAM

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record or acting under 37 C.F.R. § 1.34.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Bradley D. Lytle  
Registration No. 40,073

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 07/05)

Kevin M. McKinley  
Registration No. 43,794



DOCKET NO: 275794US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KOJI KUNII, ET AL. : EXAMINER: A. I. ABDULSELAM  
SERIAL NO: 10/086,022 :  
FILED: FEBRUARY 27, 2002 : GROUP ART UNIT: 2677  
FOR: PORTABLE INFORMATION :  
TERMINAL APPARATUS,  
INFORMATION PROCESSING METHOD,  
COMPUTER-PROGRAM STORAGE  
MEDIUM, AND COMPUTER-PROGRAM

**REMARKS ACCOMPANYING  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that a pre-Appeal Brief conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

Applicants submit that the Office Action of September 8, 2005 has failed to make a *prima facie* case of obviousness for the subject matter recited in Claims 1-14 because the asserted prior art does not disclose all of the claim elements.

Pending Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,470,497 to Ellis in view of U.S. Patent No. 6,522,347 to Tsuji et al.

The Office Action admits on page 4 that Ellis does not teach displaying a user's schedule list including preset information written by the writing means such that the preset information is distinguishable from the user's schedule, as recited in the independent claims.

However, the Office Action asserts that Tsuji makes up for this deficiency. Applicants respectfully disagree.

Tsuji does not teach, disclose or suggest that the displaying means further displays the user's schedule list that includes the preset information written by the writing means, with the preset information being distinguishable from the user's schedule. Instead, Tsuji is directed to addressing the problems associated with the resolution of display screens. Further, the apparatuses of Tsuji in operation of multiple types of information as schedule information, provide for information relationships that can be visually grasped and provides functions that can be better understood. The functions are arranged to correspond to icons appearing on a menu screen with no character information. Additionally, Tsuji includes a time axis with a background screen to be three-dimensionally displayed and to display the combined screen on a display screen. As such, the time axis is given perspective with an object in the future that is displayed to look further and an object in the past displayed to look closer. Therefore, the user can visually grasp old and new information at one look through the time axis.

As shown in Figure 23C of Tsuji, a screen is shown which, when information notification is preset and when a set time is reached, audio information such as a melody is output from the sound output section and concurrently a pop-up menu 326 appears. Pop-up menu 326 indicates a schedule outline and is shown next to the building icon 324. The building icon 324 is an icon that shows the place that the schedule has been input. Thus, according to the embodiment of Figure 23C, for the information notification, both the sound information and the display information are used to provide the user with the notification. There is no teaching, disclosure or suggestion that the information within the building icon 324 is displayed along with the information shown in the pop-up menu 326. Further, there is no teaching or suggestion that information contained on either the pop-up menu 326 or the

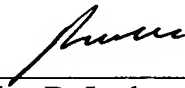
building icon 324 is distinguishable from any other information contained on the pop-up menu 326 or building icon 324, respectively.

In contrast, according to the claimed invention, the display means displays the user's schedule list that also includes the preset information written by the writing means with the preset information being distinguishable from the user's schedule. At least this feature discussed above is not shown in the applied art. Again, Tsuji merely discloses a building icon 324 in which the schedule was input and a pop-up menu 326 showing a schedule outline.

Accordingly, the applied art contained in the current grounds of rejection, either alone or in combination, do not render obvious the features recited in the claims. Applicants respectfully request that prosecution be re-opened and the rejection based on Ellis and Tsuji be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Kevin M. McKinley  
Registration No. 43,794

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

BDL:KMM:ycs

I:\ATTY\KMM\PROSECUTION WORK\275794\REQ FOR PRE-APPEAL BRIEF REVIEW REMARKS.DOC